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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,234	03/04/2002	Daniel McCarthy	01-4007	6571

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VERIZON CORPORATE SERVICES GROUP INC.
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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,234

Applicant(s)

MCCARTHY ET AL.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 and 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cave et al (5,822,401 hereinafter Cave) in view of Holthouse et al (6,606,598 hereinafter Holthouse).

Regarding claims 1, 7, 13-14, 20, 26-30. Cave teaches a method and system for monitoring the performance of an interactive voice response system (IVR) wherein logs of call activity within the IVR are generated (abstract, col. 1 lines 8-13, lines 45-48, col. 4 lines 5-10).

Cave fails to teach recording the agent-caller dialog portion of the call.

Holthouse cites Cave and provides the hardy needed method and apparatus for computing and reporting statistical information that describes the performance of an interactive speech application by using call log for agent-caller dialog (abstract, col. 2 lines 1-14, lines 31-37, lines 46-58, col. 3 lines 5-8). Of course, Holthouse teaches asking caller for true intentions (col. 4 lines 13-37, col. 5 lines 10-45, col. 7 lines 1-15, col. 8 lines 39-60) because detecting performance problems of IVR systems are difficult and by asking caller for true intention helps identify misleading prompts, incorrect

pronunciations, or vocabulary words that are similar enough to be confused with each other (col. 11 line 15 – col. 12 line 67, col. 14 lines 35-43, columns 27-28).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the performance monitor as taught by Cave to record agent-caller dialog as taught by Holthouse for the benefit of identifying misleading prompts and to thereby “tune” or improve performance of the application as taught by Holthouse col. 2 line 20.

Regarding claims 2, 8, 15 and 21. Cave does not ask caller about true intention for calling.

Holthouse cites Cave and provides the hardy needed method and apparatus for computing and reporting statistical information that describes the performance of an interactive speech application by using call log for agent-caller dialog (abstract, col. 2 lines 1-14, lines 31-37, lines 46-58, col. 3 lines 5-8). Of course, Holthouse teaches asking caller for true intentions (col. 4 lines 13-37, col. 5 lines 10-45, col. 7 lines 1-15, col. 8 lines 39-60) because detecting performance problems of IVR systems are difficult and by asking caller for true intention helps identify misleading prompts, incorrect pronunciations, or vocabulary words that are similar enough to be confused with each other (col. 11 line 15 – col. 12 line 67, col. 14 lines 35-43).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the performance monitor as taught by Cave to record agent-caller dialog as taught by Holthouse for the benefit of identifying misleading

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prompts and to thereby "tune" or improve performance of the application as taught by Holthouse col. 2 line 20.

Regarding claims 3, 9, 16 and 22. Cave does not obtain information from an agent to determine true intention of a caller.

Holthouse cites Cave and provides the hardy needed method and apparatus for computing and reporting statistical information that describes the performance of an interactive speech application by using call log for agent-caller dialog (abstract, col. 2 lines 1-14, lines 31-37, lines 46-58, col. 3 lines 5-8). Of course, Holthouse teaches asking caller for true intentions (col. 4 lines 13-37, col. 5 lines 10-45, col. 7 lines 1-15, col. 8 lines 39-60) because detecting performance problems of IVR systems are difficult and by asking caller for true intention helps identify misleading prompts, incorrect pronunciations, or vocabulary words that are similar enough to be confused with each other (col. 11 line 15 – col. 12 line 67, col. 14 lines 35-43).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the performance monitor as taught by Cave to record agent-caller dialog as taught by Holthouse for the benefit of identifying misleading prompts and to thereby "tune" or improve performance of the application as taught by Holthouse col. 2 line 20.

Regarding claims 4, 10, 17 and 23. Cave teaches monitoring on an ongoing basis (col. 5 lines 8-35). Holthouse stores agent-caller interactions in log (abstract, col. 3 lines 5-52, col. 4 lines 1-67).

Regarding claims 5, 11, 18 and 24. Cave teaches routing accuracy (col. 1 lines 45-56, col. 2 lines 10-13, col. 3 lines 29-42, col. 4 lines 5-9, col. 5 lines 8-35, col. 8 lines 46-52). Holthouse teaches routing accuracy (col. 3 line 5 – col. 4 line 38, col. 5 lines 11-45, col. 7 lines 1-15, lines 29-31, col. 8 lines 39-47, col. 12 lines 35-67, col. 14 lines 35-42, columns 15-16).

Regarding claims 6, 12, 19 and 25. Cave teaches alarm used (see 210 figure 2A, see 216-217 figure 2B, see 222, 225 and 228 figure 2B). Holthouse teaches alarm (col. 5 lines 1-25, see 18 figure 1A, col. 12 lines 63-67).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


CORTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600